

THE HONORABLE MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

THE SECOND AMENDMENT
FOUNDATION; THE CITIZENS
COMMITTEE FOR THE RIGHT TO KEEP
AND BEAR ARMS; LIBERTY PARK
PRESS; MERRIL MAIL MARKETING;
CENTER FOR THE DEFENSE OF FREE
ENTERPRISE; SERVICE BUREAU
ASSOCIATION; and ALAN GOTTLIEB,

Plaintiffs,

v.

ROBERT FERGUSON, individually and in his
official capacity as Washington Attorney
General; JOSHUA STUDOR, individually and
in his official capacity as Washington Assistant
Attorney General, Consumer Protection
Division; THE ATTORNEY GENERAL'S
OFFICE FOR THE STATE OF
WASHINGTON; and JOHN DOES 1-10,

Defendants.

NO. 2:23-cv-01554-MJP

**SUPPLEMENT TO PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

NOTED ON MOTION CALENDAR:

NOVEMBER 17, 2023

For the first time in reply in support of its motion to dismiss, Defendants denied that the Attorney General's official position is that Civil Investigation Demand ("CID") recipients waive

SUPPLEMENT TO PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS – 1

CORR CRONIN LLP
1015 Second Avenue, 10th Floor
Seattle, WA 98104-1001
Tel (206) 625-8600
Fax (206) 625-0900

all objections to enforcement of a CID if they do not petition a court to set the CID aside within the twenty days prescribed by RCW 19.86.110(8). *See* Dkt. 16 (State's Reply) at 1:21-3:12. Plaintiffs respectfully refer the Court to Exhibit 1 to this Supplement, which is a September 15, 2023, letter that Defendant Office of the Attorney General of the State of Washington (Consumer Protection Division) sent to a firearms dealer CID recipient shortly before Defendants filed their notice of removal in this case. The letter states:

Pursuant to RCW 19.86.110(8), the time has expired for you to contest this CID in Court. Pursuant to the Washington Civil Rules, any objections to the CID are similarly waived.

Plaintiffs received permission from the CID recipient identified in Exhibit 1 to submit a copy of Exhibit 1 to this Court on November 20, 2023.

Also attached as Exhibit 2 for the Court's convenience is a copy of Defendants' October 23, 2017, appellate brief in the case of *Brelvis Consulting, LLC v. Washington*, No. 50235-6 (Wash. App. Div. II), pages 30-33 of which were cited in Plaintiffs' Opposition to the Motion to Dismiss. Dkt 14 (Plaintiffs' Opposition) at 5:15-20.

DATED: November 20, 2023.

This motion contains 226 words per LCR 7(e).

CORR CRONIN LLP

s/ Jack M. Lovejoy

Steven W. Fogg, WSBA No. 23528

Jack M. Lovejoy, WSBA No. 36962

1015 Second Avenue, 10th Floor

Seattle, WA 98104-1001

(206) 625-8600 Phone

(206) 625-0900 Fax

sfogg@corrchronin.com

jlovejoy@corrchronin.com

Attorneys for Plaintiffs

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SUPPLEMENT TO PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS – 3

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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2023, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Wen Cruz

Wen Cruz